When Markets are Unfamiliar: Comparing the Market for Presentation Technology in the French and U.S. Legal Systems

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1.0 Introduction

When examining new markets for technologies, we must always remember that cultures, governments and enterprises that we encounter may be very different from those of our existing markets. If a saturation of certain technologies within certain geographical or national markets exists, exploration into yet-untapped new markets may indeed lie in areas that are unlike those with which we are most familiar.

Challenges present themselves to technology sellers when uses for technologies are not found in domestic markets, but when opportunities to obtain new clients in new markets appear elsewhere. This requires us to have an understanding that societies have their own psycho-social phenomena, with their own values, cultures and norms which create dissimilar markets. Psycho-social enculturation thus influences our reason and judgment, and technology vendors must be willing to adapt to new or different realities. We are, by association, familiar with our domestic markets. However, the foreign market may be different in many ways. Understanding these differences can be the key to opening new markets; failure to understand them can only lead to overlooked opportunities.

The Purpose of this paper is to demonstrate the importance of managerial cognition of cultural differences of foreign markets. This is a reinforcement of academic literature in the fields of management, behavioral, sociological and teleological environments. It is also an expansion of the concept of "global mindset" when it involves the understanding of markets that are dissimilar to our home markets.

To illustrate that a foreign market for technology exists that is not generally found in France, this paper reports on, and uses as a case-study, a survey of the factors influencing the adoption of presentation technology by law firms in the State of Louisiana, USA. There are clear differences between the functioning of courts of

law in France and the functioning of courts in the United States; one of which is the use of presentation technology during judicial proceedings.

This paper begins with a brief introduction to pertinent international business and behaviorist theory as it guides us to understand the influence of culture. This is followed by a limited explanation of the main legal systems of the world, comparisons of differences between French and U.S. legal systems, and about the service-sector business of the practice of law in Louisiana, USA. Finally, results of an empirical study in Louisiana illustrate technology adoption processes within that service sector, and the cultural influences that impact those decisions.

2.0 Review of Literature

2.1 Influence of culture and society upon international business

We are products of our environment, and act or react according to our behavioral programming. Skinner (1953) in *Science and Human Behavior*, explained that what we eat and drink and how we do so, what sort of sexual behavior we engage in, how we build a house or draw a picture or row a boat, what subjects we talk about or remain silent about, what music we make, what kinds of personal relationships we enter into and what kinds we avoid - all depend in part upon the practices of the group of which we are a member, (p. 415). Hill (2006) in *Global Business Today*, wrote, "We have defined a society as a group of people that share a common set of values and norms; that is, people who are bound together by a common culture, (p. 96). Regarding culture, Skinner (1971), said that a, "child is born a member of the human species, with a genetic endowment showing many idiosyncratic features, and he begins at once to acquire a repertoire of behavior under the contingencies of reinforcement to which he is exposed as an individual". Most of these contingencies are arranged by other people. They are, in fact, what is called a culture, (p. 121).

2.2 The global mindset

Levy, Beechler, Taylor and Boyacigiller (2007), in: *What we talk about when we talk about 'global mindset': Managerial cognition in multinational corporations*, discuss the emerging consensus that the, present-day competitive landscape is

managed with a successful global mindset. They describe 'global mindset' as the "cognitive capabilities of senior managers in multinational companies…" (p231). They identify the school of thought, that as firms globalize, their senior managers, "face challenges of overcoming domestic myopia and an ethnocentric mindset, crossing cultural boundaries, interacting with employees from many countries, and managing culturally diverse inter-organizational relationships", (p. 233). The "global mindset" was thys defined as "a highly complex cognitive structure characterized by an openness to and articulation of multiple cultural and strategic realities on both global and local levels, and the cognitive ability to mediate and integrate across this multiplicity, (p.224).

2.3 Group norms and values in the business setting

Hill (2006) defines values as, "abstract ideas about what a group believes to be good, right, and desirable. Put differently, values are shared assumptions about how things ought to be." He describes norms as to, "mean the social rules and guidelines that prescribe appropriate behavior in particular situations." He uses the term "society" to "refer to a group of people who share a common set of values and norms," (p. 94).

The values and norms that form the foundation of our lives mold us to be who we are. We act – or we *re*act – because of events, circumstances, and experiences that we get from our *societies and their cultures*. These become the value-set with which we make future decisions and make choices. Upon exposure to new people, places and things, we should learn that other people and cultures have value-sets that are equally as meaningful to them as ours to us.

In the arena of international business, when examining those unfamiliar markets, we are challenged to establish business objectives, determine how we are to measure success in that market, and come to realize the limitations or parameters that we face in those new markets. Bartlett (2004), in *Transnational Management, 5th*. Ed., wrote that the, "most fundamental distinction between a domestic company and an MNE [multinational enterprise] derives from the social, political, and economic context in which each exists". The former operates in a single national environment

where social and cultural norms, government regulations, customer tastes and preferences, and the economic and competitive context of a business tend to be fairly consistent, (p. vi). Haig, (2005), warns, "many companies have confused the era of globalization with an era of homogenization...What they forget to understand is that there is more to a country than its language, currency, or gross domestic product, (p. 129).

Law and Politics are among the most controversial subjects that people around the world discuss. Given our familiarity with our societies and our cultures, we tend to become quite secure in our beliefs. At times we don't understand why civilizations in other parts of the world do things differently. Within the context of politics and government, argument over the function of legal systems and the administration of justice can be equally passionate. This is certainly deleterious to business expansion and innovation when pre-conceived ideas create walls beyond which we cannot allow ourselves to pass, and install blinders, which divert our eyes from the sight of opportunity.

2.4 Introduction to global legal systems

While this paper is about recognizing technology markets and *not* an academic work on legal systems per se, it is relevant to at least minimally discuss the various legal systems encountered in the world. It is important to grasp that these differences in legal systems serve to suggest and reinforce the idea that while *we* have particular norms and cultures with which *we* are most familiar, others have norms to which they are beholden. These norms may be different from each other; these differences may prove to be market opportunities.

The origins of the legal and judicial systems of the world are identified by Hodgetts, Luthans, and Doh, (2006) in *International Management, Culture, Strategy, and Behavior, 6th Ed.* The book identifies four foundations upon which laws around the world are based. These are: Islamic Law, which is found in most Islamic countries and is based upon interpretations of the Qur'an; Socialist Law, which comes from the Marxist social system, which influences regulations in the former Soviet Union as

well as present day Communist countries; Common Law, based upon English law, seen in the United Kingdom and several of its former colonies; and, Civil or Code Law, which has its roots in Roman Law and is found in countries such as France, parts of Latin America, and to some degree even in Louisiana in the United States (p. 42). In addition, other judicial systems may be found in China and elsewhere.

Subsequently, the practice of law in one area will have different norms depending upon location.

2.4.1 Comparisons of the French and American Judicial Systems

The French legal system, as seen above, being based upon the Civil or code System, is different from the legal system found in the United States. While Louisiana, a former French possession in the New World, retains code-based law, many of the practices found within its courts are rooted in Anglo-American customs as well as some that are distinctly American. It is in these differences that one finds that a technology market exists in the United States that has not really emerged in France.

The U. S. Census Bureau's, Economics and Statistics Administration, details categories of businesses, along with their economic impact. Data from the 1997 Economic Census are published primarily on the basis of the North American Industry Classification System (NAICS), which assigns codes to classify all businesses. The U.S. Census Bureau's 1997 Professional, Scientific, and Technical Services report (p. 12) provides information about the business of the practice of law within the United States and in the State of Louisiana:

> NAICS Code 541110 Offices of lawyers (includes law firms, offices and practices)
>
> | | |
> |---|---|
> | U.S. Number of establishments: | 165,757 |
> | U.S. Annual Receipts: | $122,616,890,000 |
> | U.S. Number of paid employees: | 956,074 |
> | | |
> | Louisiana Number of establishments: | 3,612 |
> | Louisiana Annual receipts: | $2,033,447,000 |

Louisiana Number of paid employees: 17,764

Subsequently, when examining the practice of law from the U.S. perspective, it is a service-sector business. Thus the establishments providing the services function in every way as a business, with receipts in the billions of U.S. Dollars. This contrasts to the French perspective on the practice of law, which does not quite categorize it in the same way.

Within the context of uncovering new or different offshore technology markets within different cultures, the roles of *the presentation of evidence* and of *expert witness testimony* are discussed. More detailed works comparing the intimate differences in the actual practice of law with the respective judicial systems can be found in such manuscripts as: *An overview of the French Legal System from an American perspective*, (Kublicki, 1994); *The American Bar Association Central and East European Law Initiative (CEELI), Concept Paper on Selected Issues of Civil Procedure: France*, (1996); and *Proof of Fact in French Civil Procedure*, (Beardsley, 1986).

While there are several significant differences in the performance of French and U.S. judicial systems, two are culturally and functionally different and are tied to our discussion of an overseas technology market that does not exist in France. The comparative functions of juries, and of expert witnesses, are examined as precursors to our identification of marketplace differences.

First, *juries* are found within the context of courts in both France and in the United States. In the courts of both countries, juries consist of groups of citizens who have no particular knowledge or expertise in the matter being decided. Juries are not used in civil cases in France; they are only used in criminal matters (*Cour d'Assises*). However, within the U.S. judicial system, parties to criminal and civil cases have the right to a trial by jury. *Black's Law Dictionary, 6th. Ed.*, (1990, Black, Nolan, & Nolan-Haley, pg. 857) explains that the right to a trial by jury is guaranteed in the U.S. in criminal cases, and Seventh Amendment to the U.S. Constitution guarantees the right to a trial by jury for, "suits at common law, where the value in controversy shall exceed twenty dollars."

Second, the function of *expert witnesses* in both countries is substantially different. In the French judicial system, when considering complex legal issues, the court often appoints a single expert witness to evaluate all sides of an issue. In the U.S., the parties to the litigation hire their own witnesses. The government, in criminal cases, or in civil cases in which the government (or a government entity or agency) is a party to the proceedings hires its own expert(s). The citizen (or other non-government) party to the case has the option to hire his or her own expert(s). In the U.S. in criminal as well as civil cases, it is the right of parties to present the testimony of their expert(s). This is seen with greater frequency in civil courts which have before them complex scientific, financial or other specialized issues about which it is expected that an expert would have greater and more sophisticated knowledge than a mere lay fact witness. In France, the testimony of the expert witness hired by the court is considered to have greater weight or higher validity than the witnesses hired by the parties. Courts in France may indeed hire its own expert to provide a counter evaluation to the testimony in the case. In the U.S., the testimony of expert witnesses are initially considered equally valid; it is up to the jury (in a trial by jury) or to the judge (in a bench trial) to determine which one is more believable and has greater credibility.

2.5 The Adversarial process in United States courtrooms

The U.S. State Department's website (USINFO, 2004) contains information for the benefit of firms seeking to function in the United States. The website's International Information Programs section contains an *Outline of the U.S. Legal System*.

> The adversarial model is based on the assumption that every case or controversy has two sides to it: In criminal cases the government claims a defendant is guilty while the defendant contends innocence; in civil cases the plaintiff asserts that the person he or she is suing has caused some injury while the respondent denies responsibility. In the courtroom each party provides his or her side of the story as he or she sees it. The theory (or hope) underlying this model is that the truth will emerge if each party is given unbridled opportunity to present the full panoply of evidence, facts, and arguments before a neutral and

> attentive judge (and jury) (USINFO, 2004, Adversarial Process Section).

Thus, while, "in French judicial system, a single independent expert witness is more often than not appointed by the Court and his written opinion becomes binding upon all the parties to the proceedings," (Triplet & Associates 2004:FAQ), in the U.S. all sides have what is considered a level playing field in the courtroom. In the U.S. in criminal cases, it is up to the government prosecutor to prove, beyond a reasonable doubt, a person's guilt of a crime. In civil matters, the plaintiff(s) must prove harm (ultimately mostly financial) harm by the defendant.

In the U.S. the testimony of expert witnesses appearing in jury trials will be considered by jurors who are serving because they are compelled to do so by a judicial order and have no specialized knowledge in the matter at hand. Thus, in the case of economic or financial testimony, the ability of the expert to explain complex financial facts in a way so that it can be understood by the financially uninitiated is important. Martin, (2003) in *Determining Economic Damages*, states, "The people are the jurors and while each possesses special knowledge, it is probably not the same special knowledge that is held by the economist. Thus, the expert must present a complex topic in lay terms rather than in his professional jargon, and not all economists can do this," (Pg. 101). Houthakker, (1999) in *Expert Testimony by Economists: What makes it effective?*, a chapter in the book *The Role of the Academic Economist in Litigation Support*, (Ed. by Slottje), published in The Netherlands, wrote about the necessity to simplify complex testimony; ...such testimony can enhance the expert's teaching and research by making him (or her) aware of important problems and forcing him to explain arcane matters in terms understandable to laymen (Pg. 1). Judges and juries are more likely to be persuaded by witnesses who demonstrate understanding of the facts at issue in the case, and especially of relevant numbers provided they are presented clearly, (Pg. 6). What is appropriate, in the context of expert testimony, is determined in part by the need for explanation to non-economists: the simpler the better, (Pg. 7). Brinig & Gladson (2000) support that with the statement, "One of the most difficult skills to master is a clear presentation of

complex set of facts to an individual or group of people who are not financially sophisticated," (pg. 15).

The previous exposé illuminates the fundamental differences between the roles of jurors and expert witnesses as they function in the judicial systems of France and the U.S. The underlying cultural and societal psycho-social phenomenon that exists in these dissimilar judicial systems reflects values, and norms which are maintained to some degree of acceptance by the citizens of each nation.

2.6 Enter PowerPoint: a tool in the presentation of evidence in the U.S. courts

The National Institute for Trial Advocacy published, *PowerPoint for Litigators; How to create Effective Exhibits for Trial, Mediation, Arbitration, and Appeal*, by Siemer, Rothschild, Stein and Solomon (2000), which states:

> Presentation software, such as Microsoft's PowerPoint, allows lawyers to outline opening statements and closing arguments, and present document and photo exhibits for direct and cross-examination. In addition, visual displays for the courtroom can be brought readily into briefs, memoranda, and correspondence"(Pg. XV).

The Pennsylvania State Bar Association's publication, "The Pennsylvania Lawyer" *Annual Tech Issue: LegalTech: Tool Time for Trial Lawyers* (Narkiewicks, 2004), states that the, "use of technology tools for litigators is no longer an option. You are very likely to be left standing in the dust by your opponent if you do not master the use of the various technology tools to build and present your case to a jury, judge or administrative board. Your opponents, particularly those at large firms, are currently mastering these tools and assembling their cases with ease while you may still have your nose pressed against the glass looking at what's available and wondering what they do and how they work, (Para 3)".

The April 2003 issue of *Orange County Lawyer*, the magazine of the Orange County, California, Bar Association discussed *The Biggest Mistakes Made by Trial Lawyers (Are you making them?)* (Hess, 2003), which addresses the tactical advantage of departing from conventional methods of exhibiting evidence during a trial and adopting PowerPoint.

> Blowups are difficult to see, (not to mention difficult to carry around!) Depending on the size of your courtroom, chances are that the juror sitting farthest away from the blowup isn't going to be able to read it. Blowups have a tendency to fall down. Plus, you are locked in to the exhibit if you use a blowup. You can't alter it "on the fly." Judges will sometimes rule that a portion of a blowup is inadmissible (for instance, a portion of your text is argumentative). If it is a blowup, you can't change it! Usually that means you can't use the blowup at all. Also, maybe you just want the jury to focus on one key sentence of a contract or letter. With a blowup, you just show the whole exhibit and it is difficult to focus the jury's attention on the one critical part. With a digital presentation, on the other hand, you can enlarge a section of an exhibit on which you want the jury to focus, just by clicking your mouse. You can also alter the exhibit in the courtroom as the judge makes rulings (i.e., by redacting portions the judge doesn't want the jury to see.) (para. 2)

TRIAL Magazine featured an article by Frank Herrera, Jr. and Sonia M. Rodriguez: "Courtroom technology: tools for persuasion." (1999). They wrote:

> "To avoid boring jurors, trial lawyers must consider bringing sophisticated technology to court. We live in an age of images and an era of electronic media. As a society we no longer read newspapers, magazines, or books for in-depth information and discussion. Instead, we settle for cheap 30-second sound bites and glossy all in convenient, easy-to-swallow caplets.
>
> Accordingly, jurors get their news, politics, entertainment, and history from "people paid to arrange and rearrange the truth in its most. . . convenient pose." In the world outside the courtroom, jurors' ideas are being guided by talk-show hosts, captained by legal and political pundits, inspired by movie-of-the-week actors, and educated by public relations experts.
>
> Thus, a significant technology challenge for an attorney then, is to avoid boring the jury while continuing to clarify the major themes of his or her argument and present potentially complicated evidence. To meet this challenge, lawyers have begun bringing technology into the courtroom." (Paragraphs 2-5)

In summary, the cases being made in the articles by the Trial Magazine, the National Institute for Trial Advocacy in Indiana, the Pennsylvania State Bar Association, and by the Orange County Bar Association in California shows the existence of values, a business culture and professional norms for attorneys, which are generally not found in France. While no rule forbids the use of PowerPoint or

other technologies in court in France, it is rarely if ever used. Thus, attorneys in the United States present a different market for presentation technology than found in France.

3.0 The 2004 Louisiana State Bar Association's Legal Technology Survey

CASE STUDY: In the report of a survey of Louisiana attorneys presented to the Board of Governors of the Louisiana State Bar Association (LSBA) (Lambert, 2006a), and featured in the dissertation *Economic and Management Factors Affecting The Adoption of Presentation Technology by Law Firms*, (Lambert, 2006b), key measures of the willingness to adopt presentation technology by Louisiana attorneys illustrates the practice within the legal industry in the United States to adopt presentation technology to convey information within judicial procedures. The survey also reinforces the perception that presentation technology is a viable and growing market in the legal service industry in the U.S.

It is important to note that for attorneys to practice law in Louisiana state courts, they must be members in good standing, of the Louisiana State Bar Association, (LSBA Website, 2005, Membership status section). Thus the survey targeted responses by practicing attorneys in good standing.

Lambert (2006a), wrote that the, "study was primarily conducted in courtrooms throughout the State of Louisiana." Lambert's method was to make arrangements with and get permission from judges to appear in their courts during "rule days." Within the judicial practices and norms in Louisiana, rules, motions and exceptions, which are forms of pleadings not found in the practice of law in France, are set for a judicial hearing on a set day of the week. These short judicial actions can frequently be handled in a matter of minutes. Subsequently, it is common for gatherings of practicing attorneys to be present on those days. As an example, the rules of the 15th Judicial District Court in Louisiana, which includes the parishes of Acadia, Lafayette and Vermillion, states, "All rules and exceptions shall be heard only on a Rule day." (15th JDC Rules, 2002, Part II Sect. B) (Parishes in Louisiana, named counties in the other states, are the equivalence of the French *departments*.)

Lambert (2006a) wrote that, "Within a span of three months, 487 completed research instruments were collected in these court-appearance sessions. The number completed in a single day was approximately 10," (Pg. 6)

Lambert selected this tedious survey method because it provided undeniable reliability, with greater validity than mail, telephone or internet surveys. With other survey methods, a researcher may not know if the person answering the survey is a person who is actually supposed to be surveyed. Mail surveys can be completed by anyone. Internet surveys, especially about the willingness to use a technology, already induce a bias because only those comfortable and familiar enough with technology will participate in it. Telephone surveys tend to be avoided by busy people. Lambert's survey method managed to snare actual practicing Louisiana attorneys in courtrooms, thus avoiding to a significant degree the problems and biases.

The 2004 LSBA survey validated the U.S. Census Bureau's report of the size of law firms in the state of Louisiana. The USCB reported in 1997 there were 17,764 paid employees in 3,312 Louisiana law firms, which puts the average number of paid employees per firm at 5.3635. Of the 487 attorneys taking the 2004 LSBA survey, 433 responded to the question of firm size. The results are in Table 1 below:

Table 1: Number of attorneys in the law firm

Number of Attorneys In Law Firm	Percentage
1	28.4%
2-5	30.5%
6-10	7.4%
11-15	6.2%
10-20	4.2%
21-30	8.8%
31-40	6.0%
41-50	2.1%
More than 50	6.5%

The LSBA survey results showed that 58.9% of those answering the surveys were from firms of 1-5 attorneys. The survey further showed that law firms with 10

or fewer attorneys, which are still small or micro business entities are the firm size of almost 2/3 (65.3%) of the attorneys responding to the survey. It is important to note that the 1997 data was of total employees (attorneys plus staff) while the 2004 data was of attorneys alone, excluding staff. Nevertheless, the numbers correspond in both instances to very small firms. The similarity in data between the U.S. Census Bureau information and the findings of the survey reinforces the effective validity of both studies.

The 2004 LSBA survey asked about the willingness of attorneys to use presentation software for mediation, bench trials and jury trials. *Mediation* is defined by *Black's Law Dictionary, 6th Ed.* as "Private, informal dispute resolution process in which a neutral third person, the mediator, helps disputing parties to reach an agreement," (Pg. 981). *Bench Trials* are court proceedings before a judge alone without a jury. The judge serves as the trier of fact. In *Jury Trials*, the jury serves as the trier of fact. Table 2, below, shows the responses out of 487 completed surveys.

Table 2

Measure	Number of Responses	Percent answering *Very Willing* or *Somewhat Willing*
Willingness to use computer slideshow presentation software during mediation.	423	50.4%
Willingness to use computer slideshow presentation software during bench trials	449	69.7%
Willingness to use computer slideshow presentation software during jury trials	451	78.2%

This willingness to use technology corresponds to industry publications which urge attorneys to use software such as MS PowerPoint in their practices. It does not, however, reflect the number of attorneys that are actually using it presently.

The 2004 LSBA survey asked which computer slide show presentation software attorneys were willing to use. The answers in Table 3 below, illustrates a

strong preference for Microsoft's PowerPoint. The answers are of 487 completed surveys:

Table 3

Technology	Number Responding Yes	Percent answering yes.
PowerPoint	226	46.4%
Corel Presentations	30	06.2%
Harvard Presentations	4	0.8%
Apple Keynote	5	1.0%
Other slideshow software	37	7.6%

That MS PowerPoint is the favorite of the presentation software programs means that when utilized, although not an "industry standard," it does allow for sharing and cross-platform mobility when more practitioners will be more likely to have that software on their computers.

There is an expectation that if attorneys indeed adopt or use MS PowerPoint or some other computer slideshow software in their law firms, they should have some familiarity with the technology necessary to put images into their presentations. The questions in Table 4 include several kinds of equipment suitable for use in generating images or graphs to use within MS PowerPoint and other software. Video cameras, digital cameras and image scanners can all provide electronic output that can transfer, either directly or by using additional software, imagery into a computer slideshow presentation. A film camera can have its prints or slides scanned for use in such a presentation. The overhead projector was included in the question so that an idea of the use of more common technology could be seen.

Table 4

Imaging Device	**Number Responding Yes**	**Percentage**
Video Camera	192	39.4
Digital Camera	254	52.2
Film Camera	200	41.1
Image Scanner	141	29.0
Computer Projector	32	6.6

Overhead Projector	34	7.0
Other camera or projection device	2	0.4

The 2004 LSBA survey included several questions that attempted to illustrate the culture of the business of the practice of law. Table 5 features a culture-oriented comment and the *Likert Scale* responses. There were 445 responses to the question out of 487 completed surveys. The results indicate that 52.36% of those who replied to the question replied that they either *agreed* or *strongly agreed* that they had observed increased effectiveness in the conveyance of information by expert witnesses when technology was applied to the process.

Statement: *I have observed greater effectiveness of expert witnesses testimony during complex litigation when computer slideshow presentation software was used to show exhibits, evidence, and demonstrative evidence during their testimony.*

Table 5

Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
86	147	198	10	4

In an attempt to measure the impression of attorneys who saw computer slideshow technology used during trials, a question was asked about the impression made upon the responding attorney when he saw someone else use presentation technology during a trial. 55.28% either stated that they *agreed* or *strongly agreed* to the statement. There were 436 responses to this question out of 487 completed surveys; additional results are in Table 6.

Statement: *I liked what I saw when I observed computer presentation technology in a trial.*

Table 6

Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree

64	177	184	10	1

Given that the key objective of using a computer slideshow presentation in a jury trial is to get them to understand, trust and believe the information being conveyed, the 2004 LSBA survey thus asked the attorneys to evaluate the impression made upon jurors who have seen this technology. Of the 487 completed surveys, 441 replied to this item. The results show that 48.98% of the attorneys marked either strongly agreed or agreed. Table 7 features the results.

Statement: I find that jurors understand complex facts better when the presenter uses a professionally-crafted computer slideshow presentation in court.

Table 7

Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
52	164	193	27	5

To measure the impression that attorneys had of other attorneys who used MS PowerPoint or other computer slideshow systems, the survey asked their impression of the attorneys who used them. Of the 487 completed surveys, 436 replied, and their responses are in Table 8. Fully 66.74% either *strongly agreed* or *agreed* with it.

Statement: *Attorneys who use computer slideshow presentation technology appear well-prepared*

Table 8

Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
81	210	127	15	2

4.0 Conclusion

This manuscript demonstrates the existence of a technology market that has not emerged in France. The use of presentation technology fits the adversarial realm of the business of the practice of law in the United States, and is arguably a significant tool to advance the side of the attorney using it. This presentation

technology can illustrate key points in the testimony of expert witnesses and other parties testifying in civil and criminal cases, making a more convincing argument to jurors, judges, and the opposing parties in mediation. While in France this is not (yet?) a use of this technology, it clearly has a place in judicial proceedings in the United States.

This manuscript provided a limited review of the most pertinent areas of dissimilarity between the judicial systems of France and the United States, for the objective was to illustrate that a technology marketplace might exist abroad when it does not or may not exist in our home markets. Subsequently, legal scholars attempting a comparative study of courts in the U.S. and France will need to dig much deeper than this article. Nor, does this article advocate an easy entry into the U.S. tech marketplace supplying software and hardware to attorneys; rather, it simply serves to illustrate the possible existence of vibrant offshore technology markets.

4.1 Cultural implications and ways to penetrate dissimilar markets

Most textbooks on International Economics (see for instance Krugman and Obsttfeld, 2005) discuss international trade in terms of models that incorporate distance, buying power, shipping costs, tariffs, and other barriers. It is implicitly assumed that trade would exist unless certain economic factors obstruct it. If cultural aspects are mentioned, it is only to discuss globalization.

Friedman's *The World Is Flat : A Brief History of the Twenty-first Century* (especially chapter 2, page 48-172 and the short discussion about culture on page 324-329) suggests that with time, differences between and among markets will diminish in severity. It is assumed that globalization makes international markets more homogeneous and that this will increase international trade.

In this paper an explicit example is given in which in two different countries a certain portion of the population is working towards the same goal, in the example of this paper to settle conflicts between the inhabitants of that country in an orderly and civilized way, by means of a legal system. Therefore one would think that the markets that cater to the professionals in this segment would be similar too. However, the ingrained customs, laws, attitudes and norms of the whole population of the two

countries influence the way this goal is reached in such a dissimilar way that a completely different set of market conditions exists. This is in agreement with the Theory of Reasoned Action (Fishbein & Ajzen, 1975), that states that such attitudes and norms (with law an example of a norm) will influence behavior. In the case of this paper this not only means that French attorneys will not buy presentation software, it also means that service industries that exist in the United States and there cater to legal professionals like photographers, digital copy services, presentation hardware manufacturers, etc., are not finding a market among legal professionals in France.

This study also validates the importance of understanding the importance of managing the manager's global mindset as it influences decisions. The manager's global mindset can lead to an understanding of potential market opportunities, or it can lead to a misunderstanding of the ease of complexity of a market entry. Thus, it is easy to see that there is at least some theoretical overlap between the TRA and global mindset studies.

4.2 Deepening and validating the necessity to understand cross-cultural complexity

For the practitioner this paper provides a lesson: It is often very unclear if and if so, what size, markets exist in a foreign country for a certain service or good. Commodities may be the easiest to trade, but the demand for assembled products and services will be influenced by culture, norms and attitudes. The mores and customs of the home market can be so dissimilar to the foreign market that a significant barrier to entry can exist because of the lack of cultural and practical awareness of the intricacies of a very foreign newly discovered market. Thus, global mindset is critical. Of course, there are several ways to overcome cultural barriers into technology markets, which include agency agreements, distributorships, partnerships, licensing, franchising, and other forms of commonly utilized international business arrangements. But also in such arrangements the differences in culture, legal system, attitudes, norms and customs can lead to big misunderstandings between the partners. Unfortunately there is no general rule which attitudes and norms are preponderant in

all cases and each case needs to be researched and judged on its own merits. As can be seen from this paper, differences can show-up in quite unexpected ways.

It is important, therefore to consider to exercise due diligence in market research, because unforeseen pitfalls can be encountered or hidden gems of opportunity can otherwise go unnoticed.

4.3 Contribution to future research

Researchers based in the European Union have easy access, because of proximity of the member countries and because of the workings of the EU itself, to expand and compare research into the workings of judicial systems throughout the region. Certainly the UK, Eastern and Western Europe, as well as the countries in northern Africa and in the Middle East could have court systems which are either ripe for the infusion of presentation technology or which are already using it. While France may not have a substantial market for technology within its judicial system, that does not preclude the neighboring areas from using it. Certainly access to the mix of cultures and legal systems might yield interesting results, particularly if validated measures from TRA and global mindset research could be utilized in a multi-national study.

4.4 Final comments

Skinner (1956), Hill (2006), Bartlett (2004), Hodgetts, Luthans and Doh (2006), and others, share the common message that when dealing with people, and especially people from different cultures, for us to understand their values and their customs and their norms, we must try to understand their culture. This paper proves the existence of a vastly different technology culture flourishing within an industry that substantially differs from the way that the same industry functions domestically. Reinforcing this conclusion, tables 5, 6, 7 & 8 clearly show not only the existence of a different culture within the practice of law in the United States to that found in France, but also that the legal practitioners in the U.S. have fairly strong feelings about it. Thus, it is imperative for the global mindset of technology merchants to not just consider entering new markets, but they must also be willing to understand what new uses for technology await them.

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